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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,387	10/29/2003	Emmanuel Romero	0507-1060	6813

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EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,387

Applicant(s)

ROMERO, EMMANUEL

Examiner

Joseph M. Pelham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19 and 21-30 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

10/13/06

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The Examiner acknowledges Applicant's well-justified request for a reissue of the Office action mailed on 1/23/06. The Examiner is much chagrined, and regrets the inconvenience to Applicant.

The previous Office action is hereby vacated and the period for response restarted.

Response to Amendment

The Declaration filed on 9/19/05 under 37 CFR 1.131 is sufficient to overcome the "Li" reference, US Pat. Appl. Pub. No. 2004/0094532. This action applies new grounds of rejection.

Claim Rejections - 35 USC § 103

Claims 14, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 4485801 (US'801) in view of US Pat. 3798415 (US'415)

Referring to Figs. 1-3, and col. 2, lines 7-32, US'801 discloses a sauce pan cooking assembly with a bath 1, a peripheral trough 6, a trough drain 8, a cooking basket 15 "hooked over the upper edge," and a lid.

The claims differ substantively from US'801 only in calling for a heater connected to the bottom wall. However, US'415, at Fig. 1, col. 1, lines 1-7, and col. 2, lines 8-18, a heater 4 connected to the bottom wall of a sauce pan. It would have been obvious to adapt the pan-mounted heater of US'415 to the pan of US'801 to exploit the convenience of a cooking pan that heated be used apart from the stove.

Claims 16-19, 21, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'801 in view of US'415, as applied to claims 14, 15, and 23 above, and further in view of U.S. Pats. 712793 (US'793) and 1630787 (US'787).

The claims differ from US'801 in view of US'415 only in reciting a support frame resting on the pan upper edge and having a peripheral skirt surrounding the internal peripheral wall of the pan, strips arranged about the interior periphery of the frame and a transverse strip "dividing" the frame, these being "hooking means" to support cooking basket, and a lid which rests on the frame. However, US'793 discloses, at Figs. 1-3 and col. 1, lines 25-47, a support frame 3 resting on the pan upper edge and having a peripheral skirt surrounding the internal peripheral wall of the pan (see Fig. 2 esp.), strips arranged about the interior periphery of the frame and a transverse strip "dividing" the frame 6, 7, 8, 9 (including the portion of frame 3 adjacent the pan edge which supports a cooking vessel), these being "hooking means" to support a cooking vessel 13. US'787 discloses, at Figs. 1-5, an analogous cooking pan utilizing a basket 16 and lid 15, which when in use will rest on the frame. It would have been obvious to adapt the support frame of US'793 to the pan of US'801 in view of US'415 to allow cooking of several different foods simultaneously, and to utilize a basket since US'787 shows such to be a conventional application of such cooking means.

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Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'801 in view of US'415, as applied to claims 14, 15, and 23 above, and further in view of U.S. Pat. 2841137 US'137).

The claim differs from US'801 in view of US'415 only in reciting a thicker pan bottom than side wall. However, US'137 discloses a thicker pan bottom than side wall. See the Figs. and col. 7, lines 15-29. It would have been obvious to form the bottom wall relatively thicker since US'137 shows such to have long been known to enhance heating uniformity.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'801 in view of US'415, as applied to claims 14, 15, and 23 above, and further in view of U.S. Pat. 5174273 (US'273).

The claim differs from US'801 in view of US'415 only in calling for a bath drain and filter. However, referring to Fig. 1, and col. 4, lines 3-7, US'273 discloses an analogous cooking assembly with a bath drain and filter 19. It would have been obvious to adapt the drain and filter of US'273 to the cooking bath of US'801 in view of US'415 to accommodate the larger bath size required by larger food quantities, and to avoid blocking the drain.

Allowable Subject Matter

Claims 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 14, 15, 22, and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/13/06

A handwritten signature in black ink, appearing to read 'JP Pelham', written over a horizontal line.

JOSEPH PELHAM
PRIMARY EXAMINER